



THE CITY OF UTICA

OFFICE OF THE MAYOR

CITY HALL -- UTICA NEW YORK 13502

EDWARD A. HANNA
Mayor

Phone: 315-792-0100
Fax: 315-733-7915

November 12, 1997

P. David Smith
New York State Department
Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

Re: Bossert Site

Dear Mr. Smith:

The United States Environmental Protection Agency is now conducting Phase I removal of contaminated structures and equipment from the former Bossert Manufacturing Plant, Utica, New York.

A Phase II sub-surface investigation to assess groundwater contamination and any remediative action necessary to final closure shall be conducted by New York State Department of Environmental Conservation in Spring 1998 upon completion of Phase I.

At this time the Pacemaker Millar Group has made a firm commitment to purchase this site for construction of a distribution center, contingent upon a Summer 1998 ground breaking (see enclosed copy, November 7, 1997 letter).

The location of this industry at the Bossert site is of paramount importance to the economic recovery of our near bankrupt city.

With this in mind, I request that all the USEPA and NYSDEC environmental tasks necessary to clean this site be coordinated and undertaken on a schedule of urgency so this important opportunity is not lost to the City of Utica.

Please immediately consider the following:

1. The conduction of the Phase II study simultaneous with the Phase I removals to quickly identify and expedite remediative measures to accommodate the Pacemaker Miller Group construction schedule.

Adhering Only to the Dictates of Sound Business Practices

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2. Or, conduction of Phase II study in Spring 1998 and concurrence of NYSDEC that construction activities of the Pacemaker Millar Group will commence in Summer 1998, with occupancy in late Fall 1998. This is with the understanding that the Phase II study will conclude that no remediative measures are required or that installation of groundwater treatment equipment is necessary and will be undertaken by NYSDEC.

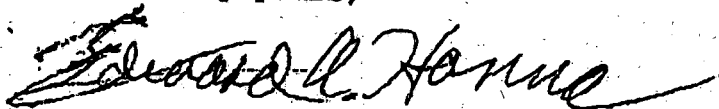
The Consent Order under which NYSDEC assumes the burden to remediate the Bossert site provides for the State's continuing obligation to do in event of sale of the property.

Therefore, the obligation for remediative tasks, including the operation and maintenance of treatment facilities, would remain with NYSDEC and this liability would not transfer to the Pacemaker Millar Group with its acquisition of title.

I am extremely anxious that your Department expeditiously work with USEPA and the City of Utica to find a method to meet environmental concerns and our dire economic needs.

Please contact me for any additional information you might require.

Sincerely yours,



Edward A. Hanna

Pacemaker**MILLAR****Group**

- PACEMAKER STEEL & ALUMINUM ★ steel, aluminum, and specialty metals
- CHARLES MILLAR SUPPLY ★ industrial supplies, pipe, valves and fittings
- MATHER, EVANS AND DIEHL ★ electric power and transmission distributors

November 7, 1997

Reply To: _____

Honorable Edward A. Hanna
Mayor, City of Utica
City Hall
Utica, NY 13501

HAND DELIVER

re: Bossert site

Dear Ed:

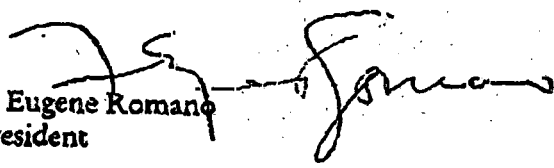
We are encouraged by the support and attitude you have shown during our business meetings regarding the Bossert site. Because of your refreshing interest in all aspects of a healthy city, including commercial and manufacturing development, we have decided to construct an 80,000 square foot modern steel service center on the 6-acre Bossert site. We will pay the \$200,000 in cash that you require. A good faith deposit of \$20,000 will be made and the balance payable when the site is cleared of the existing structures and with a clean bill of health from the DEC and the EPA. Of the 6-acre plot, we would require 4 acres immediately with a view of developing the other 2 acres for further expansion and/or further development of another building on the site.

We agree with your requirement that the buildings have a modern appearance with adequate and attractive landscaping.

Now that we have agreed with your terms, it is imperative that we are able to break ground in the early Summer of 1998. You have agreed to do everything possible to help meet this important provision.

Again, I wish you continued success in the many aspects of Utica's life which you continue to improve.

Sincerely yours,


F. Eugene Romano
President

FER/jlc

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